IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7349 of 1999

Between:

Mygapula Gurumurthy, s/o.Venkanna,

Tallapudi Village & Mandal, West Godavari District.

..... PETITIONER

AND

1. The District Collector, West Godavari District, Eluru.

2. The Revenue Divisional Officer,

Kovvur, West Godavari District.

3. The Mandal Revenue Officer,

Tallapudi Mandal, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the Notification dated 12-2-1999 issued under Section 4(1) of the Land Acquisition Act as illegal, arbitrary and issued in violation of the procedure contemplated under the Land Acquisition Act and the G.O.Ms.No.456, dated 29-9-1995 and issue consequential direction to the respondents to drop the acquisition proceedings in pursuance of the said Notification.

Counsel for the Petitioner : MR.K.CHIDAMBARAM

Counsel for the Respondents : GP FOR SOCIAL WELFARE

The Court made the following :

ORDER :

The petitioner is a cultivating tenant of Sri Bangaru Papamma Ammavau Devasthanam of Annadevarapeta, Tallapudi Village and Mandal of West Godavari District. The land admeasuring Acs.1-70 in R.S.No.85/1B of the said village is allegedly in possession and enjoyment of the petitioner for more than five decades. The first respondent herein issued a notification under Section 4(1) of the Land Acquisition Act, 1894 (for brevity 'the Act') and published the same in the newspaper on 25-2-1999. The petitioner impugns the said notification in the present writ petition on various grounds.

After coming into force of Section 82(1) of Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,1987 (for short 'the Endowments Act'), the lease and licence in respect of agriculture lands of the temples stands cancelled. Therefore, the petitioner cannot have any grievance. If the petitioner wants to avail the benefit under Section 82 (2) of the Endowments Act, he has to approach the Assistant Commissioner of Endowments for a declaration that he is entitled for such benefit. Liberty is given to the petitioner to do so. However, at his instance, the notification under Section 4(1) of the Endowments Act cannot be invalidated. It is further observed that it shall be open to the Land Acquisition Officer to pass award in accordance with law, duly awarding compensation as per the market value. It shall also be open to the petitioner to approach the Land Acquisition Officer claiming share, if any, if he is entitled for the same in accordance with the judgment of a

Division Bench of this Court in **Katari Satyanarayana v. District Collector, Krishna at Machilipatnam**, as per law.

The writ petition, with the above observations, is disposed of. No costs.

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(V.V.S. RAO, J.)

Dt.09-08-2004.

Msr.

To

1. The District Collector, West Godavari District, Eluru.

2. The Revenue Divisional Officer,

Kovvur, West Godavari District.

3. The Mandal Revenue Officer,

Tallapudi Mandal, West Godavari District.

4. 2CCs to Government Pleader for Social Welfare,

High Court of A.P., Hyderabad.

5. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.7349 of 1999

Dt.09-08-2004.

(Msr)